



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF:

SHEN et al.

SERIAL NO.: 10/505,315

FILED: August 19, 2004

TITLE: Novel Vip3 Toxins and Methods of Use

GROUP ART UNIT:1638

ATTORNEY DOCKET NO.: 60163USPCT

**INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with 37 CFR §1.56, Applicants wish to call the Examiner's attention to the references cited on the attached Form PTO-1449. The items listed on the enclosed Form PTO-1449 may be deemed to be pertinent to the above-identified application and are made of record to assist the Patent and Trademark Office in its examination of this application. Copies of the listed items are enclosed herewith.

The submission of these references is made solely for the purpose of complying with Applicant's duty of disclosure, and is not intended as a surrender of patentable subject matter nor is it intended to create prosecution history estoppel.

Identification of the listed references is not to be construed an admission of Applicants or Attorneys for Applicants that such references are available as "prior art" against the subject application.

Applicants respectfully request that the Examiner review the foregoing references and that the references be made of record in the file history of the application.

The Examiner is requested to consider the foregoing information in relation to this application and to indicate that each reference was considered by returning a copy of the initialed PTO 1449 form.

A copy of the International Search Report is also enclosed.

In accordance with 37 CFR §1.97(b)(3), no fee is believed to be required for consideration of this statement because it is being submitted before the mailing date of a first Office Action on the merits. However, the Commissioner is authorized to charge any fee under 37 C.F.R. §1.17 that may be required, to Deposit Account No. 50-1744 in the name of Syngenta Biotechnology, Inc.

Respectfully submitted,



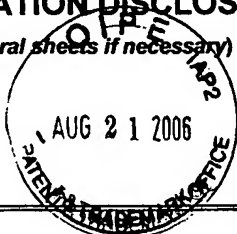
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Syngenta Biotechnology, Inc.  
3054 Cornwallis Road  
Research Triangle Park, NC 27709

Date: 8/16/06

## INFORMATION DISCLOSURE CITATION

(Use several sheets if necessary)

ATTY. DOCKET NO.  
60163 USPCT  
APPLICATION NO.  
10/505,315  
APPLICANT  
SHEN et al.  
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## U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE
	AA	5,877,012	3/2/99	Estruch, et al.	435	252.3	
	AB	6,107,279	8/22/00	Estruch, et al.	514	12	
	AC	6,137,033	10/24/00	Estruch, et al.	800	302	
	AD	6,291,156	9/18/01	Estruch, et al.	435	4	
	AE	6,174,860	1/16/01	Kramer et al.	514	12	

## FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	OFFICE	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
	AF	WO 98/00546	01/08/1998	WIPO	C12N	15/32	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	AG	WO 99/57282	11/11/1999	WIPO	C12N	15/32	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	AH	WO 98/18932	05/07/1998	WIPO	C12N	15/32	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	AI	WO 99/33991	07/08/1999	WIPO	C12N	15/09	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	AJ	WO 98/44137	10/08/1998	WIPO	A01H	5/00	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	AK	WO 97/46105	12/11/1997	WIPO	A01N	63/00	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	AL	WO 02/078437	10/10/2002	WIPO	A01N	63/00	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent pages, Etc.)

AM	Estruch, et al., 1996, Proceedings National Academy of Science, <i>Vip3, a novel Bacillus thuringiensis vegetative insecticidal protein with a wide spectrum of activities against lepidopteran insects</i> , 93: 5389-5394
AN	Selvapandiyan, A. et al., 2001, Applied and Environmental Microbiology, <i>The Bacillus thuringiensis Toxicity Analysis of N- and C-terminus-deleted Vegetative Insecticidal Protein From Bacillus thuringiensis</i> , 67 (12), 5855-5858 (2001)
AO	Yu, et al., 1997, Applied and Environmental Microbiology, <i>The Bacillus thuringiensis Vegetative Insecticidal Protein Vip3 A Lyses Midgut Epithelium Cells of Susceptible Insects</i> , 63: 532-536.
AP	Loguercio et al. First-tier screening for Vip-derived activities in tropical Bacillus thuringiensis strains by PCR and feeding bioassays: A critical assessment. GenBank Database [online], (July 11, 2001), Accession No. AAK97481
AQ	Loguercio et al. First-tier screening for Vip-derived activities in tropical Bacillus thuringiensis strains by PCR and feeding bioassays: A critical assessment. GenBank Database [online], (July 11, 2001), Accession No. AAK97482

EXAMINER

DATE CONSIDERED

\*EXAMINER: Initial of reference considered, whether or not citation is in conformance with MPEP 609: Draw a line through citation if not in conformance and not considered. Include a copy of this form with the next communication to applicant.

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AR	Loguercio et al. First-tier screening for Vip-derived activities in tropical <i>Bacillus thuringiensis</i> strains by PCR and feeding bioassays: A critical assessment. GenBank Database [online], (July 13, 2001), Accession No. AAK97484
AS	Loguercio et al. First-tier screening for Vip-derived activities in tropical <i>Bacillus thuringiensis</i> strains by PCR and feeding bioassays: A critical assessment. GenBank Database [online], (July 13, 2001), Accession No. AAK97485
AT	Loguercio et al. First-tier screening for Vip-derived activities in tropical <i>Bacillus thuringiensis</i> strains by PCR and feeding bioassays: A critical assessment. GenBank Database [online], (July 14, 2001), Accession No. AAK97486
AU	Loguercio et al. First-tier screening for Vip-derived activities in tropical <i>Bacillus thuringiensis</i> strains by PCR and feeding bioassays: A critical assessment. GenBank Database [online], (July 11, 2001), Accession No. AAK97487
AV	Doss et al. Cloning and expression of the vegetative insecticidal protein (vip3V) gene of <i>Bacillus thuringiensis</i> in <i>Escherichia coli</i> . GenBank Database [online], (April 23, 2001), Accession No. AF373030.
AW	Cai et al. Vegetative insecticidal protein gene vip83 from <i>Bacillus thuringiensis</i> serovar lewis strain YBT-833. GenBank Database [online], (July 08, 2001), Accession No. AY044227.
AX	Yu et al. Cloning and expression of Vip3A gene from <i>Bacillus thuringiensis</i> strain S10-1. GenBank Database [online], (January 17, 2002), Accession No. AY074706.
AY	Chen et al. Cloning and expression of Vip3A gene from <i>Bacillus thuringiensis</i> strain S10-1. GenBank Database [online], (January 17, 2002), Accession No. AY074707.
AZ	Chen et al. Cloning and expression of Vip3A gene from <i>Bacillus thuringiensis</i> strain S10-1. GenBank Database [online], (January 17, 2002), Accession No. AY074708.

<b>EXAMINER</b>	<b>DATE CONSIDERED</b>
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**FILING BY "FIRST CLASS MAIL" UNDER 37 C.F.R. § 1.8**

I hereby certify that the following correspondence is being deposited with the United States Postal Service as "First Class Mail" with proper postage in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on August 16, 2006.

- 1) Information Disclosure Statement (2 pages total)
- 2) FORM PTO-1449 (2 sheets)
- 3) Copy of International Search Report (6 pages total)
- 4) Cited References AA-AZ
- 5) Return Postcard

Melissa Hardy

Name

Melissa Hardy

Signature